

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks is respectfully requested.

Claim Amendments/Status

Claim 1 has been amended to improve syntax and form. New claims 13-17 have been added. These new claims find support in the originally filed specification. See paragraphs [0015], [0019] and [0021] of publication No. 2006/0238512, for example.

New claim 13, calls for two different signals to be applied to the electrodes and for a capacitive effect to be produced so that the proximity of a digit such as a finger can be detected. This is deemed to be distinguish over the combination art for at least the reasons which are set forth below.

Rejections under 35 USC § 103

The rejection of claims 1-12 under 35 USC §103(a) as being unpatentable over Rapp et al. (Rapp) in view of Troxell et al. (Troxell), is respectfully traversed.

First, it is submitted that Raap is not available as prior art. The earliest date of Raap that can be relied upon is the PCT filing of July 16, 2003. While this is earlier than the PCT filing date to which the present invention is entitled, Applicants are entitled to the priority date of November 28, 2002. Papers perfecting the claim to priority will be filed at a later time.

Irrespective of the removal of the Raap patent as a reference, it is submitted that the combination of Raap and Troxell would not lead the hypothetical person of ordinary skill to the invention as claimed in current claim 1.

First, the rejection is incorrect in stating that Raap discloses the claimed at least one first electrode having the shape of a pictogram. A pictogram is a picture that represents a word or an idea. The "picture elements" which are mentioned in Raap are as set forth in paragraph [0003] do not meet this requirement. That is to say, this section of Raap is such as to set forth:

[0003] U.S. Pat. No. 5,777,596 describes a touch sensitive liquid crystal display device that allows putting input into the associated device (e.g. a computer) by simply touching the display screen with a finger, a stylus or a pen. The device continuously compares the charge time of the **liquid crystal display elements (picture elements)** to a reference value and uses the result of the comparison to determine which elements are being touched. (Emphasis added)

This does not suggest or disclose a pictogram.

Further, in Raap, the size of the different electrode is not important for the touch sensitive function because the device disclosed in Raap measures the resistance variation in the layer 15 when a pressure is applied thereto. Raap does not use electrode capacitance as in the case of subject matter as now claimed. Therefore, the hypothetical person of ordinary skill will derive nothing from Troxell in connection with the need to look for larger electrodes.

Moreover, in Troxell, electrodes 414 and 408 are not "opposite" as claimed. In Troxell, electrode 414 is used as a shield between pairs of electrode 408A and 408B. Electrode 404 is situated "in areas away from electrodes pairs 408A and 408B". See [0034] in Troxell.

In Troxell, there is no opposite electrode. In the claimed arrangement, the two electrodes as claimed are used for display. The two electrodes need to be opposite to modify the property of the liquid crystal which is placed between these electrodes. The liquid crystal is called: "layer of material exhibiting electro-optical properties" in claim 1.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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A handwritten signature in cursive script that reads "Kenneth M. Berner".

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